



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR  | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|-----------------------|---------------------|------------------|
| 10/663,035  | 09/15/2003  | Martin Richard Layley | 678-1257 (P11364)   | 2569             |
| 7590 02/27/2006   |             |                       | EXAMINER            |                  |
| Paul J. Farrell<br>DILWORTH & BARRESE, LLP<br>333 Earle Ovington Blvd.<br>Uniondale, NY 11553 |             |                       | TRAN, TUAN A        |                  |
|   |             |                       | ART UNIT            | PAPER NUMBER     |
|   |             |                       | 2682                |                  |

DATE MAILED: 02/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |  |                     |  |
|------------------------------|------------------------|--|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> |  | <b>Applicant(s)</b> |  |
|                              | 10/663,035             |  | LAYLEY ET AL.       |  |
|                              | <b>Examiner</b>        |  | <b>Art Unit</b>     |  |
|                              | Tuan A. Tran           |  | 2682                |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 February 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-6,8-22 and 24-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-6,8-22 and 24-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1, 3-6, 8-22 and 24-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Struble (6,745,253).

Regarding claim 1, Struble discloses a wireless communication device 104 comprising: a search means; a control means; and a detection means, wherein the search means searches for a peripheral device 102 when the detection means detects that the peripheral device 102 is likely to be utilized by the wireless communication device 104 and the detection means detects a predetermined condition indicating the likelihood of a request to utilize the peripheral device 102 by a user of the wireless communication device 104 before the user makes the request (See figs. 1, 2, 3A, 3B and col. 3 line 34 to col. 4 line 33), and the control means sets a flag according to the availability of the peripheral device 102 and thereafter awaits a user's selection of a command corresponding to the set flag (See figs. 1, 2, 3A, 3B and col. 4 line 34 to col. 5 line 8).

Claim 6 is rejected for the same reasons as set forth in claim 1, as method.

Claim 22 is rejected for the same reasons as set forth in claim 1, as apparatus.

Regarding claim 3, Struble discloses as cited in claim 1. Struble further discloses a user interface, wherein the user interface provides an option to utilize the peripheral device 102, only if a peripheral device 102 is found (See figs. 3A, 3B and col. 4 lines 43-54).

Claim 8 is rejected for the same reasons as set forth in claim 3, as method.

Claim 24 is rejected for the same reasons as set forth in claim 3, as apparatus.

Regarding claim 4, Struble discloses as cited in claim 3, Struble further discloses the peripheral device 102 is not utilized merely because the detection means detects the predetermined condition (See figs 3A, 3B and col. 4 lines 28-33).

Claim 9 is rejected for the same reasons as set forth in claim 4, as method.

Claim 25 is rejected for the same reasons as set forth in claim 4, as apparatus.

Regarding claim 5, Struble discloses as cited in claim 4. Struble further discloses a locating means; and a route determination means, wherein the locating means locates a local wireless network and subsequently locates a peripheral device 102, and the route determination means determines a route through the network from the wireless communication device 104 to the peripheral device 102 (See figs. 1, 3A, 3B and col. 4 line 12 to col. 5 line 8).

Claim 10 is rejected for the same reasons as set forth in claim 5, as method.

Claim 26 is rejected for the same reasons as set forth in claim 5, as apparatus.

Regarding claims 11 and 13, Struble discloses as cited in claim 5. Struble further discloses the wireless communication device 104 and the peripheral device 102 uses radio frequency communication wherein the radio frequency communication uses Bluetooth technology (See fig. 2 and col. 3 lines 5-15).

Claim 12 is rejected for the same reasons as set forth in claim 11, as method.

Regarding claim 14, Struble discloses as cited in claim 11. Struble further discloses the communication between the peripheral device 102 and the wireless communication device 104 is on a second network and a first network is used for the wireless communication device 104 to communicate with other wireless communication device (See col. 2 lines 45-52).

Claim 15 is rejected for the same reasons as set forth in claim 14, as method.

Regarding claim 16, Struble discloses as cited in claim 11. Struble further discloses the wireless communication device is a mobile phone (See col. 2 lines 45-52).

Claim 17 is rejected for the same reasons as set forth in claim 16, as method.

Regarding claim 18, Struble discloses as cited in claim 16. Struble further discloses the detection that a peripheral device 102 is likely to be utilized occurs when a data file is accessed on the wireless communication device 104 (See fig. 3A and col. 3 line 57 to col. 4 line 11).

Claim 19 is rejected for the same reasons as set forth in claim 18, as method.

Regarding claim 20, Struble discloses as cited in claim 5. Struble further discloses the peripheral device 102 is a printer (See fig. 1 and col. 4 lines 55-58).

Claim 21 is rejected for the same reasons as set forth in claim 20, as method.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Yahiro (2002/0037745); Bodenmann et al. 95,881,366); Law et al. (6,792,247).

### ***Response to Arguments***

Applicant's arguments with respect to claims 1, 3-6, 8-22 and 24-26 have been considered but are moot in view of the new ground(s) of rejection.

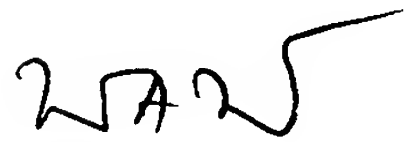
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan A. Tran whose telephone number is (571) 272-7858. The examiner can normally be reached on Mon-Fri, 10:00AM-6:30PM.

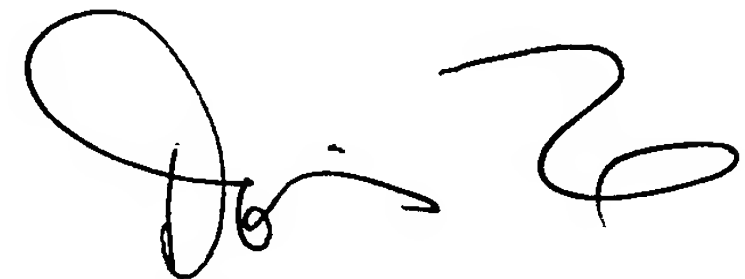
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached on (571) 272-7629. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2682

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tuan Tran



DORIS H. TO  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600